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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Enrique Guerra SURRITA-Del,** **Aka: Enrique SURRITA-De La Guerra** Defendant	Magistrate Docket No. '08 MJ 0081 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **January 9, 2008** within the Southern District of California, defendant, **Enrique Guerra SURRITA-Del (Aka: Enrique SURRITA-De La Guerra),** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **11th DAY OF JANUARY 2008**

Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Enrique Guerra SURRITA-Del
Aka: Enrique SURRITA-De La Guerra

PROBABLE CAUSE STATEMENT

On January 9, 2008, Senior Patrol Agents A. Noyes and G. Perez were performing assigned duties near an area known as the "628 Draw." This area is approximately three miles east of the Otay Mesa, California Port of Entry and approximately one hundred yards north of the United States/Mexico International Border.

At approximately 11:00 p.m., infrared scope operator Senior Patrol Agent G. Tiscareno observed a group of nine individuals walking northwest on a trail. Agents Tiscareno directed Agents Perez and Noyes to the group's last known location. Agents Perez and Noyes began to search the immediate area. Supervisory Border Patrol Agent J. Filippi notified Customs and Border Protection Air Interdiction Helicopter (Omaha) that agents were looking for a group of nine individuals. After an extended search Omaha was able to locate the group. Omaha directed Agent Perez to the area and he observed six individuals attempting to hide. Agent Perez approached the group identified himself as a Border Patrol Agent and conducted a field immigration interview. He questioned all six individuals as to their citizenship. Each individual responded that they were citizens of "Mexico." He then asked each individual if they had in their possession any legal immigration documents that would allow them to remain in the United States. All individuals answered "no."

Omaha advised Agents Perez and Noyes that the other three individuals were spotted, including one later identified as the defendant **Enrique Guerra SURRITA-Del (Aka: Enrique SURRITA-De La Guerra)**. Agent Noyes approached the subjects on foot and identified himself as a United States Border Patrol Agent and conducted a field immigration interview. Agent Noyes individually questioned each individual, including the defendant, as to their citizenship. Each person, including the defendant individually responded that they were citizens of Mexico without any immigration documents that would allow them to remain in the United States. All nine, including the defendant answered that they did not posses any legal immigration documents. All subjects were placed under arrest and transported to the Chula Vista Border Patrol Station.

Routine record checks of the defendant revealed an immigration history. The defendant's record was determined by a comparison of his immigration record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **December 15, 2007** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was read his Miranda rights, which he acknowledged and was willing to make a statement without an attorney present. The defendant stated that he was a citizen and national of Mexico without valid immigration documents to enter or remain within the United States legally. The defendant stated that he had not applied for permission to re-enter the United States following his deportation.